



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/581,384

06/02/2006

Danny John Eglinton

1926-00116

3885

26753

7590

08/21/2008

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

LYJAK, LORI LYNN

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,384	Applicant(s) EGLINTON, DANNY JOHN	
	Examiner Lori L. Lyjak	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16-25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims should refer to other claims in the alternative only and cannot depend from any other multiple depend claim. See MPEP § 608.01(n). Accordingly, the claims 16-25 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard et al. 4, 050,734.

Regarding claim 1, Richard et al. '734 discloses a fabric sheeting cover a goods container having an open top of rectangular horizontal cross-section, said cover comprising: a generally rectangular main area (cover 30) for covering the open top of the container and having two opposed side edges; and-a pair of generally triangular side flaps (side skirts 32b) extending one from each of the two opposed side edges of the main area, each side flap being movable with respect to the main area between a folded position where the flap overlies the main area and a deployed position where the side flap extends substantially at right angles to the main area; elastic members (114) connecting the side flaps to the main area of the cover and arranged to pull the side flaps to their folded positions; pull-means (followers 106) for each side flap and

Art Unit: 3612

arranged when tension is applied thereto to unfold the respective side flap against the bias provided by the elastic members thereby to move the side flap to its deployed position; and tie-down means (tracks 110) for each flap, arranged to allow the securing thereof in its deployed position.

Regarding claim 2, Richard et al. '734 discloses a sheeting cover as claimed in claim 1, wherein the elastic members comprise elastic cords which pull the side flaps to their folded positions and which are elastically stretched as the side flaps are moved to their deployed positions.

Regarding claim 3, Richard et al. '734 discloses a sheeting cover as claimed in claim 2, wherein each side flap has a pair of elastic members associated therewith extending from a location at or adjacent the apex of the triangular flap to respective positions at or adjacent the end edges of the main area of the cover and part-way between the side edges.

Regarding claim 4, Richards et al. '734 discloses a sheeting cover as claimed in claim 3, wherein the pair of elastic members associated with each side flap comprises a single continuous extensible elongate elastic cord the ends of which are secured to said respective positions at or adjacent the end edges of the main area and part-way between the side edges, the central region of the cord acting on the side flap at or adjacent the apex thereof.

Regarding claim 5, Richard et al. '734 discloses a sheeting cover as claimed in claim 4, wherein the central region of the cord is connected to an eye attached to the side flap at or adjacent the apex thereof.

Regarding claim 6, Richard et al. '734 discloses a sheeting cover as claimed in claim 1, wherein the pull-means comprises a flexible tension member attached to the side flap at or

Art Unit: 3612

adjacent the apex thereof.

Regarding claim 7, Richard et al. '734 discloses a sheeting cover as claimed in claim 1, wherein the pull-means comprises a flexible tension member running on a line extending between a first point at or adjacent the apex of the side flap and a second point adjacent the junction between the side flap and the main area of the cover.

Regarding claim 8, Richard et al. '734 discloses a sheeting cover as claimed in claim 7, wherein said line comprise a wire rope the ends of which are attached to the cover at said first and second points.

Regarding claim 9, Richard et al. '734 discloses a sheeting cover as claimed in claim 8, wherein the pull-means comprises a flexible tension member having a pulley at one end thereof, the pulley running on said line.

Regarding claim 10, Richard et al. '734 discloses a sheeting cover as claimed in claim 9, wherein the pulley has a brake mechanism which automatically locks to said line to resist movement of the pulley along the line but which is released when tension is applied to the tension member.

Regarding claim 11, Richard et al. '734 discloses a sheeting cover as claimed in claim 7, wherein a respective transverse slit is formed through the cover for each line, the line extending through the associated slit such that the tension member transfers from one side of the cover to the other on passing through said slit.

Regarding claim 12, Richard et al. '734 discloses a sheeting cover as claimed in claim 1, wherein the tie-down means comprises a connector for a tension member, provided at or adjacent the apex of each flap.

Art Unit: 3612

Regarding claim 13, Richard et al. '734 discloses a sheeting cover as claimed in claim 12, wherein the connector comprises a ring attached to the material of the cover.

Regarding claim 14, Richard et al. '734 discloses a sheeting cover as claimed in claim 1, wherein the tie-down means includes, for each side flap, a flexible tension member connected to the apex of the side flap and which is securable to a lower part of the container or vehicle chassis.

Regarding claim 15, Richard et al. '734 discloses a sheeting system as claimed in claim 14, wherein the flexible tension member is elastically extensible.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/581,384

Page 6

Art Unit: 3612

/Lori L. Lyjak/

Primary Examiner, Art Unit 3612

III

August 17, 2008